THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

W.P.No.11098 of 2007

Date:30.05.2007

Between:

V.G.K.Yachendra

.. PETITIONER

AND

The District Collector and others.

..RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General).

This writ petition is filed for the following relief:

> "To issue a writ, direction or order more particularly one in the nature of writ of Mandamus by directing respondents 1 to 3 to take necessary steps for eviction of the trespassers from the lands admeasuring 23 acres belonging to petitioner in Sy.Nos.342, 343, 364, 367, 368 and 369 of Vinnamala Village, Naidupeta Mandal, Nellore District and restore the lands in petitioner's favour by canceling the pattas that have been already granted and consequently declare the action of respondents in not initiating any proceedings on petitioner's representation dated 02.03.2007 and 08.04.2007 as illegal and arbitrary."

During the course of arguments, the learned counsel for the petitioner submitted that as far back as 03.09.1957, the Director of Settlements, Andhra Pradesh passed an order, wherein it was held that the land in dispute was the private land belonging to the

petitioner and the claim of the third parties for grant of ryotwari pattas under Section 11 (a) of the Estates Abolition Act, 1948 was rejected. He further submitted that the petitioner could not produce the said order before the Joint Collector, Nellore. He also submitted that his client will be satisfied if the second respondent is directed to consider the case of the petitioner afresh in the light of the order, dated 03.09.1957 passed by the Director of Settlements, Andhra Pradesh.

The learned Government Pleader says that there can be no objection if such a direction is granted to the second respondent.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to consider the claim of the petitioner afresh in the light of the order dated 03.09.1957 passed by the Director of Settlements, Andhra Pradesh, Hyderabad. It is, however, made clear that if the second respondent seeks to pass any order adverse to any third party, he shall issue notice and give them an opportunity of hearing before passing any such order.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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30.05.23007

kdl

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